

**Clustered Interactive Dialogue on Migrants, Education and the
Independent Expert on Cultural Rights
Statement by the Delegation of the United States of America
Delivered by _____
Human Rights Council 17th Session
Geneva, May 31, 2011**

Thank you, Mr. President.

We thank the Special Rapporteur on the human rights of migrants, the Special Rapporteur on Education and the Independent Expert on Cultural Rights for their work in producing these reports. The United States is strongly committed to the protection of human rights of all persons, we take this responsibility very seriously, and urge other states to do so.

We would like to thank the Special Rapporteur on **Migrants** for his final report.

The USG promotes the human rights of migrants, regardless of their immigration status including those who are stateless. As such, it fully concurs with the SR's observation that "Although it is the sovereign right of all States to safeguard their borders and regulate their migration policies, States should ensure respect for the human rights of migrants while enacting and implementing national immigration laws."

The Special Rapporteur calls attention to the detrimental effects of certain migration control policies "on groups that should not be considered as irregular migrants, such as victims of human trafficking." Domestically, as part of our commitment to uphold the human rights of migrants and to prevent abuse of the same, the U.S. has maintained a robust effort to identify and prosecute human traffickers. Congress has also authorized special programs like the "U visa" and "T visa", which officials can use to extend protection to trafficking victims and others who – due to fear of deportation– would otherwise be reluctant to come forward to assist law enforcement efforts against those who exploit vulnerable migrants.

The importance the United States attaches to protecting the human rights of migrants has been dramatically demonstrated in the United States Government response to recent events in Libya, specifically its efforts to support the repatriation of third country national migrants seeking to leave Libya to return to their countries of origin. Since the crisis in Libya erupted in late February, the United States has provided \$53.5 million in emergency humanitarian assistance to address the crisis including support for IOM and UNHCR to provide life saving humanitarian and repatriation assistance to migrant workers from numerous countries. The United States applauds Egypt and Tunisia for their generosity and support in hosting hundreds of thousands of people displaced by the crisis in Libya.

Lastly the United States supports efforts to eliminate xenophobia, provide for the basic needs of migrants including birth documentation and accessible services for migrants with disabilities, and building government capacities in humane migration management. We thank Special Rapporteur Bustamante for the work he has contributed in his capacity as Special Rapporteur on Migrants and look forward to working with his successor.

The United States welcomes the report of **Special Rapporteur on the right to education**, and we thank Mr. Singh for his report. The United States believes that achieving the promise of education for all is important for every country. Education is important to creating economic opportunity and ending cycles of poverty. The United States is committed to equal access to educational opportunities for all, regardless of their individual circumstances, race, national origin, ethnicity, gender, age, or disability.

Domestically, the Department of Education administers a number of programs that assist underserved students and provide opportunities for the participation of all students, including minorities and women, in elementary, secondary and higher education programs. These include, but are not limited to, educational equity programs for women; assistance to school districts and others for the education of Native Hawaiians, Native Americans and Alaska Natives; financial aid for all students, including those who are minorities or women; and grants to strengthen historically Black colleges and universities and other minority-serving institutions. In 2010, the Federal Pell Grant program awarded \$32 billion to low-income students pursuing post-secondary education based on economic need.

In addition, the Departments of Justice and Education enforce laws that help ensure equal access to education, including parts of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Patsy T. Mink Equal Opportunity in Education Act of 1972 (Title IX), the Age Discrimination Act of 1975, and the Rehabilitation Act of 1973. The Department of Education's Office for Civil Rights (OCR) investigates and resolves complaints filed by individuals who believe there has been a violation of the civil rights laws. OCR also initiates investigations ("compliance reviews") where there is information that suggests that widespread discrimination is infringing upon the rights of protected students and their parents. OCR also provides technical assistance and offers policy guidance on how to prevent and address discrimination to thousands of educational institutions and millions of students and parents.

The United States also supports education opportunity **around the world** as one of the largest donors to development programs targeting education. In 2010, we provided \$1.2 billion to education programs through USAID, an increase of \$100 million over 2009 levels. This is not an isolated example: over the last decade, the USAID budget for basic education has dramatically increased from \$100 million in 2000 to over \$850 million in 2010. In accordance with our new USAID education strategy, we will target, inter alia, education in conflict and crisis areas, where it is particularly important to support equal opportunity in education.

The United States thanks Independent Expert **on Cultural Rights** Shaheed for her report, which explores a need for a human rights-based approach to cultural heritage. Her report raises the importance to preserve and safeguard cultural heritage. As the Independent Expert notes in her report the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage ensures respect for cultural heritage. The United States were the architects of UNESCO's World Heritage Convention and the first Country to ratify it. We remain committed to the Convention's mission to preserve and protect cultural and natural heritage deemed to possess outstanding universal value.

We do not agree with all of her statements about the relationship between human rights and cultural heritage. In particular, some statements of what governments should or must do, such as obtaining consent of concerned communities before acting to protect cultural heritage, seem sensible as

general principles or policies, but may have exceptions and are not necessarily obligations of human rights law.

The United States welcomed the opportunity to comments on the reports.

Thank you, Mr. President.

